

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Omar Garcia-Lopez, )

(A205 929 243) )

Defendant )

Case No. 17-434 MJ )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 28, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Omar Garcia-Lopez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about June 18, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated by Reference Herein**

REVIEWED BY: AUSA Jacqueline Schesno for AUSA Natalie B. Huddleston

☒ Continued on the attached sheet.

*Complainant's signature*

Gilbert V. Longoria,  
Deportation Officer

*Printed name and title*

Sworn to before me and signed in my presence.

Date: September 29, 2017

*Judge's signature*

City and state: Phoenix, Arizona

Michelle H. Burns,  
United States Magistrate Judge

*Printed name and title*

### **STATEMENT OF PROBABLE CAUSE**

I, Gilbert V. Longoria, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 28, 2017, Omar Garcia-Lopez was booked into the Maricopa County Jail (MCJ) by the Arizona Department of Public Safety (DPS) on local charges. While in custody at the MCJ, Garcia-Lopez was encountered by ICE officer R. Ray who determined him to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On September 29, 2017, Garcia-Lopez was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Garcia-Lopez was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Omar Garcia-Lopez to be a citizen of Mexico and a previously deported alien. Garcia-Lopez was removed from the United States to Mexico through Nogales, Arizona, on or about June 18, 2016, pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Garcia-Lopez in any Department of Homeland Security database to suggest

that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Garcia-Lopez's immigration history was matched to him by electronic fingerprint comparison.

4. On September 29, 2017, Omar Garcia-Lopez was advised of his constitutional rights. Garcia-Lopez freely and willingly acknowledged his rights and declined to provide a statement under oath.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about September 28, 2017, Omar Garcia-Lopez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about June 18, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

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Gilbert V. Longoria,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 29<sup>st</sup> day of September, 2017.



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Michelle H. Burns,  
United States Magistrate Judge